

1 You may proceed, Ms. Collins.

2 MS. COLLINS: May I proceed, Your Honor?

3 THE COURT: You may.

4 JUVENTINO CASTRO,

5 having been first duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 QUESTIONS BY MS. SAMPLE:

8 Q. Would you please introduce yourself to the
9 jury.

10 A. Yes, ma'am. Good afternoon. My name is
11 Juventino Castro.

12 Q. And could you spell that first name for us,
13 sir?

14 A. Yes, ma'am. It's J-u-v-e-n-t-i-n-o.

15 Q. And how are you employed, sir?

16 A. I'm a Houston Police Officer.

17 Q. How long have you been a Houston Police
18 Officer?

19 A. For approximately eight years.

20 Q. Which division do you work in, sir?

21 A. I'm currently with the Narcotics Division.

22 Q. How long have you been with the Narcotics
23 Division?

24 A. Approximately two years.

25 Q. Now, you may have noticed Officer Chapman here

1 today, right?

2 A. Yes, ma'am.

3 Q. Now, he was wearing a uniform and you're not.

4 How come you're wearing a suit?

5 A. Just preference.

6 Q. Well, tell about your training to become a

7 police officer. What kind of training did you have?

8 A. Well, first off, you go to the Houston Police
9 Academy for six months. Once you graduate from the
10 Houston Police Academy, you go out to the streets as a
11 patrol officer. There you go through training -- mostly
12 experience on the streets.

13 Q. Do you receive specialized training regarding
14 narcotics?

15 A. Yes. Every police officer is trained in the
16 academy about narcotics; and then once you hit the
17 streets, you're actually hands-on with drugs.

18 Q. What kind of training do you receive at the
19 academy for narcotics training?

20 A. We receive -- just knowledge about every
21 substance that possibly can be presented to us while
22 we're on the streets -- anything from cocaine, marijuana,
23 pills -- just, basically, any knowledge of narcotics
24 that's out there.

25 Q. You said once you get out on the street, you

1 get kind of additional on-the-job training; is that
2 correct?

3 A. Yes, ma'am.

4 Q. Did you have an occasion -- few or many
5 occasions to come into contact with narcotics as a patrol
6 officer?

7 A. Many.

8 Q. Do you receive any specialized training in
9 regards to search warrants?

10 A. Yes.

11 Q. What kind of training is that?

12 A. We take a course -- once we get into -- as a
13 narcotics officer, we have to take a narcotics survival
14 school. The district attorneys come in there and talk to
15 us about how to prepare a narcotics search warrant.

16 Q. And did you complete that course?

17 A. Yes, ma'am.

18 Q. Have you had few or many occasions to obtain
19 search warrants, now as an officer?

20 A. Many now.

21 Q. And what are your duties within the Narcotics
22 Division now?

23 A. We address many citizens' complaints in regards
24 to the neighborhoods. We assist patrol officers out in
25 the streets, surveillance on drug dealers, execute

1 narcotics search warrants, purchase narcotics from
2 dealers out on the streets.

3 Q. As part of the Narcotics Division, have you had
4 few or many occasions to arrest folks with regards to
5 narcotics possession?

6 A. Many.

7 Q. Do you feel that your experience and your
8 training has made you knowledgeable about the different
9 types of narcotics out there?

10 A. Yes, ma'am.

11 Q. Do you feel knowledgeable, based on your
12 training and experience, with cocaine?

13 A. Yes, ma'am.

14 Q. What about crack cocaine?

15 A. That, too, yes, ma'am.

16 Q. Based on your training and your experience,
17 what amount of crack cocaine would be a typical hit or a
18 dosage unit?

19 A. It would probably be a -- one size crack rock
20 would probably be like .1 gram, which is a tenth of a
21 gram; but, I mean, everybody is different. Everybody is
22 built different. Some people can tolerate -- it's just
23 different tolerance on different people. So, some people
24 that use it a lot may take a lot more dosages to get the
25 effect; and some that are just brand new to it, I mean,

1 of course, are going to be quicker and faster because
2 it's their first time.

3 Q. As part of your duties within the Narcotics
4 Division, do you ever work undercover?

5 A. Yes, ma'am, all the time.

6 Q. What does that mean? What do you do?

7 A. I work as an undercover narcotics agent, which
8 is in plain clothes, just the regular -- something like
9 you would see somebody walking down the street.

10 Q. And what do you do in that undercover capacity?

11 A. We do a lot of surveillance on drug locations.

12 We attempt to purchase narcotics from drug dealers.

13 Just, basically, anything involving narcotics.

14 Q. When you attempt to purchase narcotics, what
15 amounts are you typically purchasing?

16 A. I mean, it all depends on the officer. I mean,
17 if we're just buying -- just a crack rock or two crack
18 rocks or sometimes we could buy larger amounts of
19 narcotics. It just depends on, I guess, what the mission
20 is that we're trying to accomplish.

21 Q. Is there kind of a street value for a crack
22 rock?

23 A. A street value for a crack rock? If I was to
24 purchase one single crack rock, I would probably purchase
25 it for \$10.

1 Q. What about larger amounts? You mentioned
2 sometimes you purchase larger amounts.

3 A. Larger amounts, I mean, we can purchase from
4 ounces of cocaine to -- 4 ounces, 9 ounces. I mean, it
5 just depends on what we're trying to accomplish out
6 there. I mean, sometimes we have a dope dealer that
7 we're going to try to further the investigation; so,
8 we'll actually buy more to try to get to that person's
9 source, which is the main drug dealer.

10 Q. You mentioned that a tenth of a gram can be a
11 dosage unit; but, yet, sometimes you buy larger amounts,
12 like an ounce. How many grams are in that ounce?

13 A. It would be 28, approximately.

14 Q. Do you feel that, based on your training and
15 experience, can you distinguish a crack user from a crack
16 dealer?

17 A. Yes, ma'am.

18 Q. And how is that?

19 A. Typically, your drug user, you'll probably see
20 them on the streets, probably begging for money. They're
21 not going to be wearing any expensive clothing because
22 they're always trying to get money to try to buy the next
23 crack rock. The drug dealer, I mean, they're going to
24 have money on them, obviously, because they're not
25 smoking the dope. They're going to have money on them.

1 They're going to probably be driving fancy cars, having
2 nice clothing.

3 Q. Do you sometimes distinguish a user from a
4 dealer based on the amount of crack cocaine that you find
5 on them?

6 A. Yes, ma'am.

7 Q. Tell us: What's the average amount a user
8 would have on them?

9 A. The user, you're probably going to find maybe a
10 crack rock, one single piece, because the drug is so
11 dangerous, so potent, that they're just constantly
12 smoking it. You're not going to find a drug user with a
13 large amount on them because if he had a large amount on
14 him, he would smoke it, obviously. So, they're just
15 trying to find more and more and more. So, the drug user
16 is not going to have, per se, an ounce on him because,
17 No. 1, he can't afford it; and if he did, he wouldn't
18 have it because he would smoke it.

19 Q. So, what's the average amount you might see on
20 a dealer?

21 A. Anything ranging from a hundred dollars' worth
22 of crack cocaine to ounces.

23 Q. And how much would that hundred dollars' worth
24 be?

25 A. It would be 1 gram. You could probably buy 1

1 gram, which would probably be equivalent to ten rocks.
2 And a lot of times what drug dealers know is that they
3 don't want to be caught with a lot of drugs on them
4 because if they're caught with a lot of drugs, then they
5 know they'll get penalized. So, they only carry a
6 certain amount so that if they do get caught, it's not
7 that much of a penalty on them.

8 Q. So, based on your training and experience, if
9 you see somebody who has got that ounce, those 28 grams
10 or up, what is it that you feel you're dealing with in
11 that situation?

12 A. A drug dealer.

13 Q. Based on your training and experience, do you
14 find that folks possess the narcotics in different ways,
15 different types of cases?

16 A. Yes, ma'am.

17 Q. Could you explain that to us a little bit.

18 A. Sometimes they're not going to have it on them,
19 on their body, because they know that if they get
20 stopped, they know they're going to get arrested. So,
21 what they'll do is conceal them in the house and keep it
22 there. That way, nobody is just going to go in the house
23 and get it from them.

24 Q. Based on your training and experience, can
25 somebody be in possession of crack cocaine if it is in

1 their house?

2 A. Yes, ma'am.

3 Q. And how does that work?

4 A. If you're somewhere in the house where the
5 narcotics are in, then you're obviously in possession of
6 it because you know that it's there and you're basically
7 in custody of it. Especially if you have, you know, your
8 paperwork there or your keys or you have your clothing
9 there, then, obviously, you live there and you're letting
10 your friends come over there and if it's out in the open,
11 then, hey, you're just as guilty of that.

12 Q. Would you say that you try to link the person
13 to the house and to the drugs?

14 A. Yes, ma'am.

15 Q. And how is it that you said you do that?

16 A. Mail, pictures, sometimes light bills, lease
17 agreements, pictures -- I mean, anything you could
18 possibly find. You know, clothing, shoes, anything you
19 could find that you can establish that the person lives
20 there and you know that they have some kind of connection
21 to that location.

22 Q. Are you familiar with an address, 5109 Parker
23 Road?

24 A. Yes, ma'am.

25 Q. Is that within an area that you regularly work?

1 A. Yes, ma'am.

2 Q. What kind of area is that?

3 A. That's the Fontaine neighborhood. That's in
4 the northeast side of the city.

5 Q. And, actually, if you'll look on the screen at
6 State's Exhibit 4, do you recognize that area?

7 A. Yes, ma'am.

8 Q. What is that area?

9 A. That's the Fontaine neighborhood off of Parker,
10 5109 Parker.

11 Q. And can you see 5109 Parker on that map?

12 A. Yes, ma'am.

13 Q. Could you go ahead and identify it? You can
14 touch it on the screen that's next to you.

15 A. It's going to be this location here. (Witness
16 pointing.)

17 Q. And is that within Harris County, Texas?

18 A. Yes, ma'am.

19 Q. How do you know that particular address?

20 A. Because I've been there two times already.

21 Q. When was the first time you went there?

22 A. The first time I went there was February 25,
23 2010.

24 Q. And what took you there?

25 A. Narcotics activity was brought to our attention

1 from that location, and we executed a narcotics search
2 warrant at that house.

3 Q. So, before you went to the house that day, you
4 got a search warrant?

5 A. Correct, yes, ma'am.

6 Q. And what was your role within that process?

7 A. My role within that process was that I utilized
8 the confidential informant to purchase narcotics from
9 that residence, which was then handed to me; and then I
10 was then able to obtain a narcotics search warrant for
11 that residence.

12 Q. Did you work all that alone, or did you work
13 with a team? How did you do it?

14 A. Obtaining the narcotics search warrant would be
15 just me, and Officer Chapman was present with me. But
16 when the execution happened, we had a whole team.

17 Q. Were you the lead officer in that? What was
18 your role?

19 A. Yes, ma'am, the case agent.

20 Q. So, what is it that you did first, as that case
21 agent?

22 A. Prior to executing the narcotic search warrant?

23 Q. Yeah.

24 A. We met up at -- as far as getting the warrant
25 or executing the warrant?

1 Q. As far as executing the warrant.

2 A. Okay. As far as executing the warrant, what we
3 ususally do is we meet up with other officers that are
4 going to assist us, the patrol officers because we need
5 uniformed presence there with us. So, we actually meet
6 up at a location and brief to make sure that we're all
7 going to go -- you know, we come up with a plan,
8 basically, so that nobody gets hurt because safety is
9 always No. 1 for us. So, we have a brief and make sure
10 everybody is on the same page, you know, because we got
11 to make entry into a location like this.

12 MS. SAMPLE: May I approach the witness,
13 Your Honor?

14 THE COURT: You may.

15 Q. (BY MS. SAMPLE) Officer, I'm going to hand you
16 what's been previously marked as State's Exhibits 7, 8,
17 and 9 for right now. Do you recognize those?

18 A. Yes, ma'am.

19 Q. Are those going to be fair and accurate
20 depictions of 5109 Parker on the night you executed the
21 search warrant with your team?

22 A. Yes, ma'am.

23 MS. SAMPLE: Your Honor, may the record
24 reflect that I'm tendering State's Exhibits 7, 8, and 9
25 to defense counsel.

1 MR. CARTER: I don't have any objection.

2 THE COURT: State's Exhibit 7, 8, and 9
3 are admitted.

4 (State's Exhibit Nos. 7, 8, and 9 were
5 admitted.)

6 MS. SAMPLE: May we publish to the jury,
7 Your Honor?

8 THE COURT: You may.

9 Q. (BY MS. SAMPLE) This is what's been previously
10 marked as State's Exhibit No. 6. Do you recognize this
11 photo?

12 A. Yes, ma'am.

13 Q. What is it a photo of?

14 A. That's the front yard of 5109 Parker.

15 Q. Was that before or after y'all executed the
16 search warrant?

17 A. That's after. And if you see to the left,
18 there's the van; that's going to be our van, the raid
19 van.

20 Q. Now, was there a specific entry point that
21 y'all used for this search warrant?

22 A. Yes, ma'am. That would be the rear door.

23 Q. Is that what we're looking at here in State's
24 Exhibit No. 9?

25 A. Yes, ma'am.

1 Q. And what is this over here to this side?

2 A. That's the burglar bar door.

3 Q. Was there anything on the outside of the house
4 that y'all noticed while you were executing the search
5 warrant?

6 A. Yes, ma'am. There was a surveillance camera.

7 Q. In State's Exhibit 8, is that what you're
8 talking about?

9 A. Yes, ma'am.

10 Q. And in State's Exhibit 7, is that a closer up
11 detail of it?

12 A. Yes, ma'am.

13 Q. What called your attention -- what about that
14 surveillance camera is significant to you, based on your
15 training and your experience?

16 A. The surveillance camera would -- it enables the
17 person inside to let them know who's coming to the
18 residence. It's really important for us because we're
19 actually coming in; so, that kind of gives them an upper
20 hand to be ready for us. We can encounter gunfire; and
21 we have to go through that burglar bar door, which is
22 another obstacle. So, that surveillance camera, it plays
23 a big role for the person inside because they know when
24 we're coming.

25 Q. What room of the house do you walk into as soon

1 as you get in through those burglar bars?

2 A. The kitchen.

3 MS. SAMPLE: Your Honor, may I approach?

4 THE COURT: You may.

5 Q. (BY MS. SAMPLE) Officer, I'm going to hand you
6 what has been marked State's Exhibits 10, 11, 12, 13, 14,
7 15, 16, and 17. Do you recognize these?

8 A. Yes, ma'am.

9 Q. And what are they?

10 A. This is the kitchen.

11 Q. Do these photos fairly and accurately depict
12 the kitchen at 5109 Parker, as you remember it that
13 evening?

14 A. Yes, ma'am.

15 MS. SAMPLE: Your Honor, at this time we
16 would offer State's 10 through 17 and tender to defense
17 counsel.

18 MR. CARTER: Your Honor, indulge us a
19 minute. We're doing a little housekeeping here.

20 THE COURT: That's fine.

21 MR. CARTER: I have no objection.

22 THE COURT: All right. State's Exhibits
23 10 through 17 are admitted.

24 (State's Exhibit Nos. 10 through 17 were
25 admitted.)

1 MS. SAMPLE: And may I publish to the
2 jury, Your Honor?

3 THE COURT: You may.

4 Q. (BY MS. SAMPLE) So, as soon as you walk in
5 past the burglar bars, is this what you see?

6 A. Yes, ma'am.

7 Q. And is this the fridge over here on the side of
8 the picture?

9 A. Yes, ma'am.

10 Q. And what's on the other side? What's over in
11 this area that is cut off from the picture?

12 A. It's going to be the kitchen counter where the
13 sink is at.

14 Q. And what's going to be past this hallway here?

15 A. It's going to be the living room.

16 Q. Now, you mention the kitchen counter is just
17 outside of view in that picture. Looking at State's
18 Exhibit 14, what's significant to you in this picture?

19 A. There's a large amount of crack cocaine that's
20 being created on that pan -- pot.

21 Q. Can you point it out by touching on your
22 screen, please?

23 A. Right here. (Witness pointing.)

24 Q. How do you know that that's crack cocaine
25 that's being made?

1 A. Usually, when you find the glass beakers and
2 the whisk and the baking soda and -- we eventually ended
3 up field testing that, and that's going to be in crack
4 cocaine. And it had water still that -- it hadn't
5 settled yet. It had just been made.

6 Q. Based on your training and experience, do you
7 know how long it would take for all this to settle?
8 Like, how fresh is that?

9 A. It's kind of hard to say. I guess for
10 different amounts, it takes a little bit longer, I'm
11 guessing. But the water was still in that pot or that
12 kitchen utensil there.

13 Q. And what's significant to you in State's
14 Exhibit 11? You can touch and point to what stands out
15 to you.

16 A. Yes, ma'am. Here, you're going to have your
17 digital scales, which is used to weigh the narcotics.
18 Then, here, it looks like you have pieces of a crack
19 cookie in an oval shape; but it's split up. And the
20 razor blade, here, which is used to cut up the crack
21 cocaine.

22 Q. Is this exactly how you found the crack cocaine
23 that evening?

24 A. Yes, ma'am.

25 Q. Had it been touched or moved by yourself or

1 anybody else when these photos were taken?

2 A. No, ma'am.

3 Q. What's significant to you about State's Exhibit
4 No. 12?

5 A. State's Exhibit 12, you have your larger scale,
6 which is another digital scale; and you also have
7 sandwich bags. Sometimes they bag it up in sandwich
8 Baggies.

9 Q. Based on your training and experience, why
10 would there be three different scales?

11 A. The bigger scale to weigh bigger narcotics; the
12 smaller ones to weigh smaller narcotics.

13 Q. Why would somebody weigh smaller amounts versus
14 larger amounts?

15 A. If somebody wants to buy a smaller amount, one
16 rock, they will weigh the one rock. If somebody wants to
17 buy 200, \$300 worth, then they'll probably use a bigger
18 scale.

19 Q. Did you find any other drugs in that kitchen?

20 A. Yes, ma'am.

21 Q. What other drugs did you find in the kitchen?

22 A. Marijuana.

23 Q. Is there anything that stands out to you about
24 State's Exhibit 17?

25 A. Yes, ma'am, the bag of marijuana.

1 Q. Is that the marijuana you're talking about?

2 A. Yes, ma'am.

3 Q. And in State's 16, what's that?

4 A. That's the large bag of marijuana, and that's a
5 smaller bag of marijuana.

6 Q. And what is the -- why are they in different
7 bags, based on your training and your experience?

8 A. To sell the smaller amounts. You can see they
9 have the tray there. It looks like they're probably
10 separating it there and creating smaller bags of
11 marijuana for sale.

12 Q. So, where did you go after you went into the
13 kitchen?

14 A. Once we went into the kitchen, I continued on
15 to the living room.

16 Q. And what happened in the living room?

17 A. I detained Mr. Roland inside with the female,
18 on the couch.

19 Q. How far away is the living room from the
20 kitchen?

21 A. As soon as you step out of the kitchen, you're
22 in the living room. It's just a wall that separates the
23 kitchen from the living room.

24 MS. SAMPLE: Your Honor, may I approach?

25 THE COURT: You may.

1 Q. (BY MS. SAMPLE) Officer, I'm going to hand you
2 what's been marked as State's Exhibits 18 through 29.
3 Would you look at these and tell me if you're familiar
4 with them?

5 A. Yes, ma'am.

6 Q. And what are all these pictures of?

7 A. They are picture of the living room, the
8 northeast bedroom and the southeast bedroom, the
9 restroom, the outside of the residence with the address
10 on there, and the crack cocaine with the marijuana.

11 Q. Do these fairly and accurately depict the rest
12 of the house and the drugs as you saw them that evening?

13 A. Yes, ma'am.

14 MS. SAMPLE: Your Honor, at this time we
15 would offer State's Exhibits 18 through 29 and tender to
16 defense counsel.

17 MR. CARTER: Your Honor, we object to --
18 28 and 27 are the same thing. One is the same as the
19 other. We object to one of them, not necessarily both of
20 them. It's cumulative. You can look at it. It's the
21 same thing -- if the Court will look at it.

22 MS. SAMPLE: And, Your Honor, we would
23 just respond that although the drugs are the same, there
24 is additional paraphernalia in one photo that's not in
25 the other photo; so, we would ask that both be admitted

1 and published to the jury.

2 THE COURT: State's Exhibit No. 18 through
3 29 are admitted.

4 (State's Exhibit Nos. 18 through 29 were
5 admitted.)

6 Q. (BY MS. SAMPLE) So, Officer Castro, you said
7 after you were in the kitchen, you went into the living
8 room; is that correct?

9 A. Yes, ma'am.

10 Q. Aside from, obviously, seeing Mr. Roland and
11 the lady, did you notice anything else of interest to you
12 in the living room?

13 A. Yes, ma'am.

14 Q. And what was that?

15 A. A surveillance monitor.

16 Q. And is that what we're looking at here in
17 State's Exhibit 18?

18 A. Yes, ma'am.

19 Q. Is it the top or bottom screen that's the
20 surveillance?

21 A. The top one, ma'am.

22 Q. In fact, when you took that picture, what's in
23 that screen?

24 A. It's going to be the burglar bar door, the
25 back.

1 Q. So, based on that, was the surveillance
2 equipment working that night?

3 A. Yes, ma'am.

4 Q. And it was actually pointing out to the burglar
5 bar door?

6 A. Yes, ma'am.

7 Q. Why is that significant to you?

8 A. On the inside, they're looking and watching.
9 That gave them a heads-up that we were coming.

10 Q. Based on your training and experience, is that
11 something indicative of criminal activity?

12 A. Yes, ma'am.

13 Q. What kind of criminal activity?

14 A. Narcotics trafficking.

15 Q. And why is that?

16 A. Narcotics -- drug dealers, they always have to
17 be on the lookout for not only the police but for other
18 drug dealers that are possibly coming in to get their
19 drugs or money.

20 Q. And you mentioned that you found Mr. Willie
21 Roland in that living room. Do you see him in the
22 courtroom here today?

23 A. Yes, ma'am.

24 Q. Would you please identify him by what he's
25 wearing and where he's sitting?

1 A. Yes, ma'am. Mr. Roland is sitting here,
2 wearing a white shirt and -- appears to be a green tie.

3 MS. COLLINS: Your Honor, may the record
4 reflect that the witness has identified the defendant in
5 open court?

6 THE COURT: The record will so reflect.

7 Q. (BY MS. SAMPLE) So, what was he doing when you
8 found him?

9 A. He was sitting there with a female on the
10 couch, facing the surveillance monitor.

11 Q. What happened when you saw him? What did you
12 do?

13 A. I told him to get on the ground.

14 Q. Did he comply with your command?

15 A. Yes, ma'am, he did.

16 Q. What did you do at that point?

17 A. At that point, I waited for the other team
18 members to continue through the residence to clear the
19 remainder of the rooms.

20 Q. When you say "clear the remainder of the
21 rooms," what does that mean?

22 A. Making sure that there's no other threats in
23 the other rooms.

24 Q. Were narcotics located in any other rooms?

25 A. No, ma'am.

1 Q. Were there any other items of interest that
2 were located in any other rooms?

3 A. Yes, ma'am. We recovered a pistol grip
4 shotgun.

5 Q. Is that what we're seeing here in State's 23?

6 A. Yes, ma'am.

7 Q. So, based on your training and experience, is
8 that indicative of any sort of criminal activity?

9 A. Yes, ma'am.

10 Q. What?

11 A. Drug dealers are protecting their stash, making
12 sure nobody comes in, like I said, not only the police
13 but other drug dealers in the area that want to take over
14 or want their drugs.

15 Q. Was there anything of interest in any of the
16 other rooms?

17 A. Paperwork that we found.

18 Q. Which room was that paperwork located in?

19 A. In the kitchen, ma'am.

20 Q. Now, in addition to the surveillance system,
21 which could indicate narcotics trafficking to you, and
22 the shotgun, which could indicate narcotics trafficking
23 to you, was there anything else in the living room that
24 was of interest to you?

25 A. Yes, ma'am, there was.

1 Q. What was that?

2 A. There was a piece of plywood that was blocking
3 the front door from the inside, kind of like a
4 fortification.

5 Q. Is that what we're looking at here in State's
6 Exhibit 26?

7 A. Yes, ma'am.

8 Q. Why is that significant to you?

9 A. That's just another obstacle from anybody to
10 come in. It's blocking the front door. It's very hard
11 to make entry when something is blocking the door like
12 that.

13 Q. Based on your training and experience, why
14 would somebody fortify their front door?

15 A. Protection, delaying the police from coming in
16 so they can get rid of the narcotics.

17 Q. Is that something that you normally see?

18 A. No, ma'am.

19 Q. Have you seen fortified doors and surveillance
20 systems as sophisticated as this few or many times?

21 A. They're getting quite up there. I mean, we're
22 starting to see them in more and more drug houses.

23 Q. Now, going back to the kitchen, you said that
24 State's Exhibit No. 14 is exactly how you found it that
25 day?

1 A. Yes, ma'am.

2 Q. Did you have to move anything around or open
3 any drawers or cabinets to find this crack cookie?

4 A. No, ma'am. Everything was in plain sight.

5 Q. So, when you see State's Exhibit 11 and those
6 pieces of crack cookie along with the scale, did you have
7 to open any cabinets or drawers to find that?

8 A. No, ma'am.

9 Q. So, was that also in plain view?

10 A. Yes, ma'am.

11 Q. What about the scales?

12 A. Everything -- the scales, the marijuana.

13 Q. Was it apparent to you as soon as you walked
14 in?

15 A. Yes, it was.

16 Q. A little earlier we talked about different
17 amounts of drugs and what you consider personal use
18 versus a dealer. You remember that?

19 A. Yes, ma'am.

20 Q. And we discussed anything over an ounce being
21 something that you would consider a dealer; is that
22 right?

23 A. Yes, ma'am.

24 Q. So, when you see -- well, what do you see in
25 that picture?

1 A. These are going to be the crack cookies, but
2 they're more like pancakes. These are pretty large,
3 which is kind of rare. You don't usually see them this
4 big. And then you can see a pretty good size bag of
5 marijuana.

6 Q. About what weight are we talking about in each
7 of those crack cookies?

8 A. I would say about 60, maybe 70 grams apiece.

9 Q. And that's about how many ounces?

10 A. That's going to be 3 ounces in each one, so
11 maybe, like, 5 1/2 total.

12 Q. Did you have an opportunity to weigh that at
13 the scene?

14 A. Not at the scene, ma'am, no.

15 Q. Did you have any opportunity to get some sort
16 of preliminary weight on that?

17 A. Yes, ma'am.

18 Q. And what was that preliminary weight that you
19 found?

20 A. It's going to be approximately 145 grams.

21 Q. And what about the marijuana?

22 A. I believe it was approximately 300 grams.

23 Q. Is that something that you would consider a
24 personal use amount?

25 A. No, ma'am.

1 Q. Now, you mentioned that you saw some personal
2 documents; is that correct?

3 A. Yes, ma'am.

4 MS. SAMPLE: May I approach the witness,
5 Your Honor?

6 THE COURT: You may.

7 Q. (BY MS. SAMPLE) Officer, I'm handing you
8 what's been marked State's Exhibits 30, 31, 32, and 33.
9 Do you recognize these?

10 A. Yes, ma'am.

11 Q. Where did you first see these?

12 A. These were in the kitchen, next to the
13 marijuana, on that side.

14 Q. Did you see those on or about February 25,
15 2010?

16 A. Yes, ma'am.

17 Q. Are these in the same or substantially similar
18 condition to when you first saw them?

19 A. Yes, ma'am.

20 Q. What did you do with these once you found them?

21 A. Once I found them, I tagged them into the
22 Houston police property room.

23 Q. When you say you "tagged them," what does that
24 mean?

25 A. We tagged them for evidence.

1 Q. Are there some sort of identifying marks on the
2 envelopes involved in that?

3 A. Yes, there are.

4 Q. Tell us what it means to tag something.

5 A. It's all about chain of custody. You've got to
6 make sure that you keep control of it at all times. Once
7 we tag it for evidence, we have to submit it in an
8 envelope, which is sealed. We fill out all the
9 information on the envelopes. We initial and sign and
10 then date them. Then the person that's receiving them,
11 which is the clerks, they also initial and sign them and
12 enter them into the computer system; so that way, there's
13 a track of everything that's coming and going from the
14 property room.

15 Q. And you mentioned that you, yourself, tag these
16 items into evidence.

17 A. Yes, ma'am.

18 Q. How did they get to court today?

19 A. I picked them up.

20 Q. And are they in the same or substantially
21 similar condition?

22 A. Yes, ma'am.

23 Q. Based on your review of them right now, have
24 they been tampered with in any way?

25 A. No, ma'am.

1 MS. SAMPLE: Your Honor, at this time, we
2 would offer State's 30 through 33 and tender to defense
3 counsel.

4 MR. CARTER: I have no objection.

5 THE COURT: State's 30 through 33 will be
6 admitted.

7 (State's Exhibit Nos. 30 through 33 were
8 admitted.)

9 MS. SAMPLE: May we publish to the jury,
10 Your Honor?

11 THE COURT: You may.

12 Q. (BY MS. SAMPLE) Officer Castro, what was
13 significant to you about the paperwork that you found?
14 Why tag it?

15 A. It has Mr. Willie Roland's information on it --
16 his name.

17 Q. So, if we look at State's Exhibit No. 30,
18 there's two things on here. Why don't you tell us what
19 the larger item is.

20 A. It's going to be his birth certificate here.

21 Q. And just to be clear, this is a copy of the
22 birth certificate, right?

23 A. Yes, ma'am.

24 Q. Where's the original?

25 A. I don't recall tagging it or not. This was

1 there. This is how we found it.

2 Q. So, tell me: What name do you see by the name
3 line?

4 A. Willie Dewayne Roland, Junior.

5 Q. Now, let's look at the other item that was
6 copied, here on this corner. What item -- what is that?

7 A. That's Mr. Roland's Social Security card.

8 Q. And you're saying these items were found where?

9 A. In the kitchen.

10 Q. Were they in plain view in the kitchen, or
11 where were they in the kitchen?

12 A. Yes, ma'am, in plain view -- I believe right
13 next to where the marijuana was at, where it was
14 recovered at.

15 Q. So, now if we look at State's Exhibit No. 31,
16 could you tell me what this is?

17 A. This is a CenterPoint Energy bill to the
18 customer name, which is Mr. Willie Roland.

19 Q. Can you point to where you see "customer name"
20 on there?

21 A. (Witness pointing.)

22 Q. And can you point to where you see Willie
23 Roland's name on the bill?

24 A. (Witness pointing.)

25 Q. Can you tell us the service address? Can you

1 point that out to us, please? Is that right here, the
2 service address?

3 A. Yes, ma'am, 5109 Parker.

4 Q. Is that the same address where you executed the
5 search warrant February 25, 2010?

6 A. Yes, ma'am.

7 Q. And is that, in fact, the same location where
8 you found Mr. Willie Roland --

9 A. Yes, ma'am.

10 Q. -- and the narcotics?

11 A. That is correct.

12 Q. And back up right underneath customer name and
13 account number, it says "date mailed" and "date due."
14 Can you read us those dates, please?

15 A. Yes, ma'am. The date mailed is going to be
16 January 29, 2010; and looks like the due date is February
17 16, 2010.

18 Q. So, the date this bill was mailed was
19 approximately a month before Mr. Roland's arrest at that
20 address; is that correct?

21 A. That is correct.

22 Q. Now, when we look at State's Exhibit No. 32,
23 could you tell me what this is?

24 A. It's a bill from the City of Houston for a
25 delinquent water bill to a Mr. Willie Roland.

1 Q. Can you tell me where you see Mr. Roland's name
2 on here?

3 A. It's going to be right here.

4 Q. And what's that address on the address line?

5 A. 5109 Parker Road.

6 Q. Is that the same address where Mr. Roland was
7 arrested?

8 A. Yes, ma'am.

9 Q. And where you found the narcotics that night?

10 A. Yes, ma'am.

11 Q. February 25, 2010?

12 A. Yes, ma'am.

13 Q. And do we have any further billing cycle or
14 anything like that on here?

15 A. It looks like it was the amount due on March
16 15, 2010.

17 Q. And when we look at State's Exhibit No. 33,
18 what is this?

19 A. That's another, I guess, notification of the
20 cutoff date, saying that it's past due and the amount due
21 is \$300 on February 15, 2010.

22 Q. And who is it addressed to?

23 A. Roland, Willie; 5109 Parker Road.

24 Q. Earlier, we talked about linking a suspect to
25 the house when you make narcotics cases in a house. Do

1 you remember that?

2 A. Yes, ma'am.

3 Q. And you mentioned things like paperwork, right?

4 A. Yes, ma'am.

5 Q. Is this the kind of paperwork you were telling
6 the jury about?

7 A. Yes.

8 Q. What does that mean to you? What's the
9 totality of everything you saw that night? What does it
10 mean to you?

11 A. That established that Mr. Roland has
12 possession -- care, custody, possession, and control of
13 that location there. If he has bills coming to that
14 location under his name, that just shows that he actually
15 has something to do with the house. He lives there.

16 Q. Did you find things that indicate to you the
17 manufacture or delivery of narcotics?

18 A. Yes, ma'am.

19 Q. What were those things?

20 A. That would be your scales, the beakers, and the
21 whisk.

22 Q. So, you found the drugs, you found the
23 documents, and you cleared the house. Then what
24 happened?

25 A. At that point, Mr. Roland and Mr. Akins were

1 escorted out of the residence.

2 Q. You mentioned there was a woman in the living
3 room with Willie Roland. What happened to that woman?

4 A. She was released.

5 Q. Why was she released?

6 A. According to -- I believe it was Mr. Akins, he
7 told --

8 MR. CARTER: Hearsay. Your Honor, he's
9 telling her what Mr. Akins said.

10 THE COURT: I think, Counsel, the question
11 was what happened to that woman, if she was released.

12 MR. CARTER: Your Honor, he told us what
13 the person told him.

14 THE COURT: All right. Don't go into what
15 anyone else told you, sir.

16 THE WITNESS: Yes, sir.

17 Q. (BY MS. SAMPLE) Did you find similar links to
18 that woman in this home?

19 A. No, ma'am.

20 Q. In fact, did you find any links to that woman
21 in this home?

22 A. No, ma'am.

23 Q. So, what did you find that linked this other
24 man to the home?

25 A. Also affirmative links, paperwork to the other

1 man and Mr. Roland.

2 Q. Did you do anything with the drugs after you
3 found them?

4 A. Yes. We took photos, and then I recovered
5 them.

6 Q. Do you do any sort of preliminary testing or
7 anything like that with the drugs?

8 A. Yes, ma'am.

9 Q. What is that called?

10 A. A field test.

11 Q. What is it used for?

12 A. To make sure that it's actually whatever we're
13 testing there on the scene. Before we actually move
14 forward, we have to make sure that it's, for example,
15 cocaine.

16 Q. So, did you have an opportunity to field test
17 the crack cocaine?

18 A. Yes, ma'am.

19 Q. And what were the results of your initial field
20 testing?

21 A. It resulted positive for cocaine content.

22 Q. Did you bring all those other items that you
23 tagged, that we have looked at the photographs of, here
24 today?

25 A. Yes, ma'am.

1 Q. And who are they with right now?

2 A. They're outside with Officer Chapman.

3 Q. So, after you field test the drugs, what do you
4 do with the drugs?

5 A. We repackaged it up, recover it, and then go
6 and tag it.

7 Q. And tell us about how you tag items of
8 evidence.

9 A. Well, in this case, since it's not a -- it's
10 liquid in there; so, we have to separate the liquid from
11 the actual substance. We take it back to our station and
12 weigh it and tag it, put it in a plastic Baggie, seal the
13 Baggie, put it in an envelope, detail everything on the
14 envelope, seal that. We have to submit paperwork with
15 that particular envelope; and then we drop it in, like, a
16 locker, which is secure at all times.

17 Q. Is that what you did with these items?

18 A. Yes, ma'am.

19 Q. And you did that pretty soon after the arrest?

20 A. Yes, ma'am.

21 Q. And the execution of the search warrant?

22 A. Yes, ma'am.

23 MS. SAMPLE: May the officer step down?

24 And may I approach, Your Honor?

25 THE COURT: Yes. He may, and you may.

1 Q. (BY MS. SAMPLE) So, right now, we're looking
2 at State's Exhibit 34. What are the identifying marks on
3 this box?

4 A. This is going to be -- once we've brought it
5 down to the property room -- the Houston police property
6 room, they put the tag on it. They tag it in there.
7 They use a little scanning gun and they scan it in, kind
8 of like you're checking out at a grocery store or Sam's;
9 and then they put it inside the property room.

10 Q. And do these labels indicate the items that are
11 contained inside the box?

12 A. Yes, ma'am.

13 Q. And can you tell us, specifically, what this
14 label says?

15 A. This label here says: "Three cameras."

16 Q. Would you mind opening the box for us?

17 A. (Witness complies.)

18 Q. Now, within State's Exhibit 34, we have the
19 contents of State's Exhibit 34, including a bag here. Do
20 you recognize what's in this bag?

21 A. Yes, ma'am.

22 Q. When and where did you first see it?

23 A. This is the camera that was actually mounted on
24 the residence, on the outside of it.

25 Q. So, how did you get it here to us?

1 A. I checked it out of the property room.

2 Q. How did you get it down that night?

3 A. Officer Oliver climbed up on top of a ladder
4 and took it down.

5 Q. And is this the same way that you tagged it
6 that evening?

7 A. Yes, ma'am.

8 Q. Other than the addition of these labels and the
9 evidence bags, has this been tampered with or changed in
10 any way?

11 A. No, ma'am.

12 Q. And you mentioned that you're the one who
13 brought it here to court?

14 A. Yes, ma'am.

15 Q. You can have a seat.

16 All right. So, now, this has been labeled
17 as State's Exhibit 35; and you mentioned this is the
18 surveillance camera?

19 A. Yes, ma'am.

20 MR. CARTER: Your Honor, we're going to
21 object to the proper predicate. The person who took it
22 down who gave it to you, we need him to swear that that's
23 one and the same camera that he gave to him. You skipped
24 a person. It may or may not. The proper predicate has
25 not been laid at this point. The person who actually

1 took the camera and gave it to him should come in and
2 say, I took this camera and gave it to him. That hasn't
3 been done.

4 THE COURT: Sustain the objection.

5 Q. (BY MS. SAMPLE) Officer Castro, were you
6 present when this other officer took down the camera?

7 A. Yes, ma'am.

8 Q. Did you actually observe him take down the
9 camera?

10 A. Yes, ma'am.

11 Q. Did he hand it to you as soon as he took down
12 the camera?

13 A. Yes, ma'am.

14 Q. Were you, in fact, the officer who put the
15 camera pieces into this plastic bag?

16 A. Yes, ma'am.

17 Q. Were you, in fact, the officer that went ahead
18 and immediately after getting the camera from the other
19 officer, labeled the bag with the contents?

20 A. That is correct.

21 Q. And were you, in fact, the officer who went
22 ahead and then submitted the bag with the camera
23 components into evidence?

24 A. Yes, ma'am.

25 Q. And are you, in fact, the officer who has now

1 checked that out and brought it to court?

2 A. Yes, ma'am.

3 MS. SAMPLE: Your Honor, at this time, we
4 would reoffer State's Exhibit No. 35.

5 MR. CARTER: Your Honor, if it was that
6 simplistic, why are they marking it? If you just --
7 because you want -- if it's that simplistic, why are you
8 marking it from one to the other? That's to show that it
9 passed through the right channel. That's the purpose of
10 doing identification.

11 I'm not saying he didn't give it to him;
12 but in a court of law, it must follow the right chain of
13 events to give to him. He marked it for himself. Let
14 the other guy come in here and say, Yeah, I gave it to
15 him. That's all that has to be done. But we don't skip
16 a process because it's convenient.

17 THE COURT: Anything else, Mr. Carter?

18 MR. CARTER: Sir?

19 THE COURT: Anything else?

20 MR. CARTER: No, sir.

21 THE COURT: All right. Your objection is
22 overruled. State's Exhibit 35 is admitted.

23 (State's Exhibit No. 35 was admitted.)

24 MS. SAMPLE: May I publish to the jury,
25 Your Honor?

1 THE COURT: You may.

2 MS. SAMPLE: Your Honor, may I approach
3 the witness?

4 THE COURT: You may.

5 MS. SAMPLE: Or, actually, may the witness
6 step down?

7 THE COURT: Yes, he may.

8 MS. SAMPLE: Thank you.

9 Q. (BY MS. SAMPLE) I'm going to show you what's
10 been marked State's Exhibit No. 36. Do you recognize
11 State's Exhibit No. 36 and its contents?

12 A. Yes, ma'am.

13 Q. What is this?

14 A. This is the bag of marijuana.

15 Q. Okay. So, what is the envelope that we're
16 looking at, on the front?

17 A. Okay. The envelope is going to be the one we
18 tag it in, which is this yellow one here. We put tape on
19 it when I tag it. It has my initials and the date on it.

20 Q. So, when you turn the bag around, now there's a
21 clear bag. Tell us about the clear bag and the writing
22 on it.

23 A. It's telling you what's inside, the contents;
24 and it has the HPD case number, which is the case number
25 assigned to this actual incident.

1 Q. Is this the same marijuana that you saw in
2 plain view in the kitchen when you first walked in to
3 execute the search warrant?

4 A. Yes, ma'am, it is.

5 Q. And were you the officer who then took that
6 marijuana and packaged it up?

7 A. Yes, ma'am.

8 Q. Are you the same officer who then tagged the
9 bags into evidence?

10 A. Yes, ma'am.

11 Q. And how did they get here today?

12 A. I picked them up.

13 Q. Is State's Exhibit No. 36 and its contents in
14 the same condition as it was when you tagged it that
15 evening?

16 A. Not exactly. The bags are kind of more -- the
17 bag and the packaging itself, it has a little bit more
18 wear on it from the day that we executed. It's been
19 about a year or a little bit more.

20 Q. Would you say it's in substantially similar
21 condition?

22 A. Yes, ma'am.

23 Q. Would you say it's in the same or substantially
24 similar condition as to how you packaged it?

25 A. Yes, ma'am, it is.

1 Q. By your observation, has this been tampered
2 with in any way?

3 A. No, ma'am.

4 MS. SAMPLE: At this time, we would offer
5 State's 36 and tender to defense counsel.

6 MR. CARTER: Your Honor, we object to the
7 proper predicate. Your Honor, there is no point in
8 having a chemist if an officer can come in here and tell
9 us whether or not it's marijuana. What, then, would we
10 then call the chemist for? It has to go through the
11 chemist and then back to him. That's what the chemist is
12 for, to tell us whether or not it's legally marijuana.

13 THE COURT: Can you lay some more
14 predicate, please?

15 MS. SAMPLE: Yes, Your Honor.

16 Q. (BY MS. SAMPLE) Officer Castro, have you had
17 few or many occasions to make marijuana cases in your
18 time as an officer?

19 A. Many occasions.

20 Q. Would you say that you recognize marijuana?

21 A. Yes, ma'am.

22 Q. How do you recognize marijuana?

23 A. By sight and smell.

24 Q. What do you mean? Explain that to us, please.

25 A. Well, just the fresh scent scent of marijuana;

1 and you've got the burning smell of marijuana. This
2 would be the fresh, meaning it hasn't been smoked, the
3 green leafy stuff, which would be marijuana.

4 Q. And even before you were assigned to the
5 Narcotics Division, as a patrol officer, did you have few
6 or many occasions to come into contact with marijuana?

7 A. Many.

8 Q. Do you feel confident in your identification of
9 marijuana?

10 A. Yes, ma'am.

11 MS. SAMPLE: Your Honor, at this time, we
12 would offer State's Exhibit 36.

13 MR. CARTER: Your Honor, we are contesting
14 the fact that he's not a chemist. A chemist will come in
15 here and tell us whether or not that's marijuana. The
16 chain of custody has to go through the chemist. A field
17 test does not qualify him to tell us whether or not
18 that's marijuana. He have reason to believe it's
19 marijuana. A chemist will tell us whether or not it's
20 marijuana, and we going to object in terms of the chain
21 of custody. It has to go through the chemist first.

22 THE COURT: Anything further, Mr. Carter?

23 MR. CARTER: The proper predicate has not
24 been laid yet.

25 THE COURT: Overrule the objection.

1 State's Exhibit 36 is admitted.

2 (State's Exhibit No. 36 was admitted.)

3 MS. SAMPLE: May I publish to the jury,
4 Your Honor?

5 THE COURT: You may.

6 Q. (BY MS. SAMPLE) I'm showing you what's been
7 marked State's Exhibit No. 37. Do you recognize this?

8 A. Yes, ma'am.

9 Q. And how do you recognize this envelope?

10 A. It has my signature at the bottom and my
11 employee number at the bottom, also.

12 Q. Do you know what's inside of the envelope
13 labeled State's Exhibit 37?

14 A. Approximately 145 grams of crack cocaine.

15 Q. Was this the crack cocaine that we saw in the
16 pictures?

17 A. Yes, ma'am.

18 Q. So, that's the same crack cocaine that you
19 recovered and tagged on or about February 25, 2010?

20 A. Yes, ma'am.

21 Q. What's on the backside of this envelope?

22 A. The backside of the envelope is the actual tag
23 from the Crime Lab and also my initials and date.

24 Q. And what are your initials and the date on
25 there for?

1 A. To show that I was the one that tagged it.

2 Q. And how did it get here to court today?

3 A. I brought it to court today.

4 Q. And is that what's indicated by the initials
5 "J. C." and the date?

6 A. Yes, ma'am.

7 Q. Thank you.

8 And do you recognize what's been labeled
9 State's Exhibit No. 38?

10 A. Yes, ma'am.

11 Q. And what is this?

12 A. This was the fluid that was inside the
13 container where the crack cookie slash pancake was
14 sitting inside, and we poured off the liquid inside this
15 container here.

16 Q. And what's on the backside of this envelope?

17 A. The Crime Lab label with H.P.D. case number and
18 my date and initials again.

19 Q. Is this in the same or substantially similar
20 condition, given the wear and tear, as it was in when you
21 initially tagged this evidence?

22 A. Yes, ma'am.

23 Q. And would you say the same is true, that 37 is
24 in the same or substantially similar condition as when
25 you tagged it into evidence?

1 A. Yes, ma'am.

2 Q. And did you bring State's Exhibit No. 38 to
3 court today?

4 A. Yes, I did.

5 Q. And now we're going to look at State's Exhibit
6 39. Do you recognize this bag?

7 A. Yes, I do.

8 Q. What is inside of this bag?

9 A. Inside this bag, we have the glass containers,
10 the beakers, the whisk, the digital scales that we
11 recovered from the kitchen area.

12 Q. When and where did you first see these?

13 A. The glass containers?

14 Q. The containers, the scales -- all the contents
15 of State's Exhibit 39.

16 A. Upon making entry to the rear door.

17 Q. And are you the officer that bagged these,
18 labeled them, and tagged them into evidence?

19 A. Yes, ma'am.

20 Q. And with the exception of wear and tear, would
21 you say that State's Exhibit 39 and its contents are in
22 the same or substantially similar same condition as they
23 were in on that night when you tagged them?

24 A. Yes, ma'am.

25 Q. And how did they get to court today?

1 A. I picked them up this morning.

2 MS. SAMPLE: Your Honor, at this time we
3 would offer State's 39 into evidence and tender to
4 defense counsel.

5 MR. CARTER: I have no objection to 39.

6 THE COURT: State's Exhibit 39 is
7 admitted.

8 (State's Exhibit No. 39 was admitted.)

9 MS. SAMPLE: May we publish to the jury,
10 Your Honor?

11 THE COURT: You may.

12 Q. (BY MS. SAMPLE) So, what did you do after
13 packing all of the evidence, labeling it, and turning it
14 all in to the property room?

15 A. I filed charges on Mr. Roland.

16 Q. Did you ever have any other opportunity, aside
17 from today, to come into contact with Mr. Willie Roland?

18 A. Yes, I did, ma'am.

19 Q. When was that?

20 A. That would be -- the second encounter we had
21 would be on March 16, 2010.

22 Q. And why is that significant to you here today?

23 A. Because we went back to the same location and
24 found Mr. Roland back at the same house.

25 Q. So, this is less than a month after the arrest

1 on February 25, 2010?

2 A. Yes, ma'am.

3 Q. And tell us again the location you saw him at.

4 A. 5109 Parker.

5 Q. Same location both times?

6 A. Yes, ma'am, same living room.

7 MS. SAMPLE: Pass the witness, Your Honor.

8 THE COURT: Mr. Carter?

9 MR. CARTER: We would like to have
10 exhibits -- the birth certificate and the bills, 30, 31,
11 and 33.

12 CROSS-EXAMINATION

13 QUESTIONS BY MR. CARTER:

14 Q. Did you look at Exhibit No. 30?

15 A. Yes, sir.

16 Q. What is it?

17 A. They're not up on the screen.

18 MR. CARTER: Go up there and give it to
19 him. Let him look at it.

20 MR. SIMMONS: Permission to approach, Your
21 Honor?

22 THE COURT: You may.

23 MR. SIMMONS: Thank you.

24 Q. (BY MR. CARTER) What is that?

25 A. A birth certificate and a Social Security card.

1 Q. Of whom?

2 A. Of Mr. Willie Roland.

3 Q. This Mr. Willie Roland?

4 A. Yes, sir.

5 Q. Did you actually look at it?

6 A. Yes, I did.

7 Q. You can read and write, can't you?

8 A. Yes, sir.

9 Q. Look at Exhibit 30 and tell us when Mr. Willie
10 Roland was born.

11 A. It just says: Willie Dewayne Roland. No
12 birthday on there.

13 Q. Look at Exhibit 30. It don't have a date of
14 birth on it?

15 A. No, sir.

16 Q. Look at where you see his name and date of
17 birth. Tell us what it says.

18 A. 11-10-2003.

19 Q. So, you telling this jury and you've sworn
20 under oath that Mr. Roland was born on November of 2003?
21 That's what you've done, isn't it?

22 A. No, sir. I said that belongs to a Willie
23 Dewayne Roland, Junior.

24 Q. No. He asked you what identifying things that
25 apply to Mr. Willie Roland, and you said the contents of

1 Exhibit 30. You remember that?

2 A. Yes, sir.

3 Q. Actually, that wasn't true, was it?

4 A. It was true.

5 Q. He was born on November 2003?

6 A. No.

7 Q. Did you know that Mr. Roland was in state jail
8 on December 31, 2009?

9 A. No, sir.

10 Q. Did you know that some of those bills occurred
11 while he was incarcerated? Did you know that?

12 A. No, sir.

13 Q. You could have checked, couldn't you?

14 A. According to the bills, it says January.

15 Q. My question to you is: Could you not have
16 checked?

17 A. If I contacted CenterPoint.

18 Q. But you could have checked, couldn't you?

19 A. Yes, I could have but --

20 Q. You could have checked to see whether or not he
21 was incarcerated on December 31st of 2009. There's
22 nothing to prevent you from checking that, isn't it?

23 MS. SAMPLE: Objection to asked and
24 answered and argumentative.

25 THE COURT: Overruled.

1 A. Yes, I could have checked.

2 Q. (BY MR. CARTER) If some of those bills
3 occurred while he was locked up, you would make him
4 responsible for them?

5 A. No, sir.

6 Q. You're an undercover police officer, right?

7 A. Yes, sir.

8 Q. And it's your job to embellish, isn't it?

9 A. No.

10 MS. SAMPLE: Objection to argumentative
11 and relevance, Your Honor.

12 THE COURT: Rephrase your question,
13 please.

14 Q. (BY MR. CARTER) You make people make you think
15 you something that you not; isn't that true?

16 A. Yes, sir, it is. That's what I call undercover
17 work.

18 Q. That means that you make up stuff.

19 A. When -- to get the job done, yes.

20 Q. Well, when you tell them you not an undercover
21 officer, you're not being truthful, are you?

22 A. I am being truthful.

23 Q. When you tell people that -- the people say,
24 Are you undercover, and you says "no," you're not being
25 truthful, are you?

1 A. Correct.

2 Q. That means that you make up stuff as you go
3 along.

4 A. I wouldn't necessarily call it "make up stuff."

5 Q. Well, what would you call it?

6 A. It's doing my job.

7 Q. I'm not asking you whether or not you do your
8 job; but you make up stuff while you out there on the
9 street, don't you?

10 A. Yes.

11 Q. And at some point in time, it become second
12 nature, right?

13 A. No, sir.

14 Q. Just like you came in here and told us, even
15 without looking, you just took for granted that we just
16 going to accept that Mr. Roland was born on November 10,
17 2003. You didn't think we was going to look, did you?

18 A. She asked me who the birth certificate belonged
19 to and I said it belonged to a Willie Dewayne Roland,
20 Junior, but I never said it belonged to Mr. Roland,
21 sitting right there.

22 Q. Well, what's that got to do with him?

23 A. Well, it's probably his kid. Why would his
24 kid's paperwork be in the house?

25 Q. Well, why in the world -- who do you know that

1 keep the birth certificate on the kitchen counter?

2 MS. SAMPLE: Objection to relevance, Your
3 Honor.

4 THE COURT: Sustained.

5 Q. (BY MR. CARTER) In your line of work and based
6 on your experience, how many times have you found a birth
7 certificate on the kitchen counter, based on your
8 experience?

9 A. Several times.

10 Q. Out of how many times?

11 A. I can't say. I mean, it's been more than ten
12 times, I would say.

13 Q. In the kitchen where they cook?

14 A. We find them in the restroom. We've found them
15 everywhere.

16 Q. We ain't talking about the rest room.

17 A. Yes, in the kitchen.

18 Q. You tell us that you went in the kitchen area
19 and they got a child's birth certificate where they cook?

20 A. That's correct.

21 MR. CARTER: Could we publish that again,
22 Your Honor?

23 THE COURT: You may.

24 Q. (BY MR. CARTER) Would you put your hand on
25 there where it is November 10, 2003? Would you put your

1 hand there?

2 A. (Witness complies.)

3 Q. Put your finger on it.

4 A. (Witness complies.)

5 Q. Did you?

6 A. Yes, sir.

7 Q. How long have you had this information?

8 A. I had this when we executed the narcotics
9 search warrant.

10 Q. Well, how come you didn't catch it?

11 A. What is there to catch? It says the father is
12 Willie Dewayne Roland; and then up here it says Willie
13 Dewayne Roland, Junior.

14 Q. How come you didn't tell us that it was his
15 son, as opposed to suggesting that it was his birth
16 certificate? How come you didn't tell us what the
17 distinction -- well, I found a birth certificate; but it
18 wasn't his, it was his son's. I mean, just say that.

19 A. Nobody ever asked, sir.

20 Q. Well, what was the purpose of showing that,
21 then?

22 A. That Mr. Roland is the father and he had his
23 kid's -- I'm guessing it's his kid's birth certificate in
24 the house.

25 Q. So, it's important to you that he keeps his

1 son's birth certificate near marijuana? That was the
2 point of that?

3 A. Yes, sir. Because it's important to me if I
4 keep my kid's birth certificate --

5 Q. We not talking about your kid.

6 Now, you said everything was in plain
7 view. Remember that?

8 A. Yes, sir.

9 Q. And you said nothing was disturbed. Remember
10 that?

11 A. Yes, sir.

12 Q. How did you-all get in?

13 A. Through their back door.

14 Q. Did you just walk in?

15 A. No, sir.

16 Q. How long did it take for y'all to get in?

17 A. Maybe, like, seven seconds, if that.

18 Q. Did you announce first?

19 A. Yes, we did.

20 Q. You got some cameras here, right?

21 A. Correct.

22 Q. And those cameras was doing what?

23 A. They were live.

24 Q. They was live?

25 A. Live surveillance of the outer perimeter

1 that --

2 Q. Okay. Could they see you-all out front?

3 A. Yes, sir.

4 Q. How long did it take for you-all to walk from
5 the front to the back?

6 A. Well, we pulled the van in the driveway; so,
7 maybe roughly about seven seconds to unload and get in.

8 Q. One, two, three, four, five, six, seven. Y'all
9 got out of your van, ran around the house, and got in the
10 house that quick?

11 A. The van pulled up in the driveway right next to
12 the back door. We already had the back door open, which
13 is a sliding door on the van. We just dismounted there
14 and --

15 Q. And y'all ran around?

16 A. We just ran around the corner. We were already
17 in the back.

18 Q. Now, did you look at those pictures about
19 you-all being on surveillance?

20 A. You see the surveillance camera on, yes.

21 Q. Yes. And I want you to think a minute. If it
22 is as you said it is, if the people there are watching
23 you jump out on television and run around the house,
24 explain to us how nothing is moved.

25 MS. SAMPLE: Objection, calls for

1 speculation.

2 THE COURT: If he knows, he may answer.

3 Q. (BY MR. CARTER) They saw y'all before y'all
4 saw them; and, yet, you tell this jury that everything
5 was in plain view. My question to you is: Why are they
6 watching you if they're not disturbing anything?

7 MS. SAMPLE: Objection, calls for
8 speculation.

9 THE COURT: If he knows, he may answer.

10 Q. (BY MR. CARTER) You did say everything was in
11 plain view, didn't you?

12 A. Yes, I did.

13 Q. And you did say they were watching you-all,
14 right?

15 A. Probably. I'm not sure. Yes or no, I don't
16 know.

17 Q. Well, what's the point of showing us the
18 pictures with y'all vehicles on the monitor? What was
19 the point in that?

20 A. To show that they were watching.

21 Q. They saw you-all before you saw them; but
22 nothing was disturbed, was it?

23 A. No, sir.

24 Q. And you made a point to say it was in plain
25 view. How is that possible?

1 A. Maybe they knew it was us, and they got scared.
2 I don't know.

3 Q. They got the cameras to watch you-all so when
4 you come, they can hide the dope, right?

5 A. Possibly.

6 Q. But that didn't happen, did it?

7 A. No, sir.

8 Q. That means they weren't watching you-all.

9 MS. SAMPLE: Objection, calls for
10 speculation.

11 THE COURT: Sustained.

12 Q. (BY MR. CARTER) You did see your vehicles on
13 the camera, didn't you?

14 A. Yes, sir.

15 Q. And you telling this jury that they were
16 sitting there watching you-all? That's what you telling
17 them, aren't you?

18 A. It's a possibility they were, sir.

19 Q. Forget about possibility. Either you think
20 they were or they were not.

21 MS. SAMPLE: Objection, calls for
22 speculation and asked and answered.

23 Q. (BY MR. CARTER) Do you think they were
24 watching you-all?

25 MS. SAMPLE: Calls for speculation.

1 THE COURT: Sustained.

2 Q. (BY MR. CARTER) How far was Mr. Roland from
3 the drugs, from what you saw?

4 A. The next room over, which is the living room.

5 Q. Was he in arm's reach?

6 A. No, sir.

7 Q. Could he see the drugs from where he was?

8 A. No, sir.

9 Q. Could he see any of the drugs from where he
10 was?

11 A. No, sir.

12 Q. Where was the other person in proximity to the
13 drugs?

14 A. He was in the middle of the living room in the
15 kitchen.

16 Q. The other person.

17 A. Akins?

18 Q. Yes.

19 A. He was between the living room and the kitchen.

20 Q. Could he see the drugs?

21 A. I suppose, yes.

22 Q. As between the two people, Mr. Akins and
23 Mr. Roland, who seemed to fear you-all the most?

24 A. They both did.

25 Q. Both of them ran?

1 A. No. Mr. Akins is the one that ran.

2 Q. You had to ask Mr. Roland to stand up, didn't
3 you?

4 A. I told him to get on the ground.

5 Q. You didn't have to ask him to stand up and get
6 on the ground?

7 A. I just told him to get on the ground, and then
8 we stood him up.

9 Q. But he didn't run at no point, did he?

10 A. No, sir, he never ran.

11 Q. But Mr. Akins ran, didn't he?

12 A. Correct.

13 Q. Do you know whether or not you ever found any
14 money on Mr. Roland?

15 A. No, sir.

16 Q. None?

17 A. Not that I can recall, no, sir.

18 Q. He's a crack dealer, but he don't have no
19 money?

20 A. Other people hold money for other people.

21 Q. No. We ain't talking about other folks. We're
22 talking about him. Did you find any money on him?

23 A. No, sir.

24 Q. Mr. Akinson -- Akins, did you find any money on
25 him or in close proximity?

1 A. Yes, sir.

2 Q. Did you find any keys on anybody?

3 A. Yes, we did.

4 Q. Who was that?

5 A. Mr. Akins.

6 Q. Did you find any keys on Mr. Roland?

7 A. No, sir.

8 Q. Did you search to see if he had any keys?

9 A. Yes, we did.

10 Q. Did you do a real good search?

11 A. Yes, sir.

12 Q. If you have a search warrant and you can search
13 anywhere, you can go in drawers and get stuff from
14 underneath stuff in drawers, can't you?

15 A. Yes, sir.

16 Q. You can find -- go anywhere and find whatever
17 you want, if you can find it, right?

18 A. Yes, sir.

19 Q. So, what's the point of saying "plain view"?

20 A. Because that's where it was.

21 Q. Do you know what the word "embellish" means?

22 A. Yes.

23 Q. What does it mean?

24 A. Like, changing a story around.

25 Q. And at some point in time, you get good at it,

1 don't you?

2 A. No, sir.

3 Q. How do you know when to cut it on and cut it
4 off?

5 MS. SAMPLE: Objection to relevance and
6 argumentative, Your Honor.

7 THE COURT: Overruled.

8 Q. (BY MR. CARTER) I do this as a lawyer, and I
9 at some point --

10 MS. SAMPLE: Objection to side-bar, Your
11 Honor.

12 THE COURT: Sustained.

13 Q. (BY MR. CARTER) When you do a job, it becomes
14 second nature, doesn't it?

15 A. Yes, sir.

16 Q. You think like an undercover officer, don't
17 you?

18 MS. SAMPLE: Objection to relevance, Your
19 Honor.

20 THE COURT: Overruled.

21 Q. (BY MR. CARTER) Don't you?

22 A. And I also think like a drug dealer.

23 Q. And it becomes a 24-hour thing, doesn't it?

24 A. I wouldn't say a 24-hour thing --

25 Q. Well --

1 A. -- because I live my life.

2 Q. When you do a job, you want to do the best you
3 can in doing that job, right?

4 A. Try to, yes.

5 Q. And that means you got to put yourself into it.

6 A. I would say so, yes.

7 Q. And when you come to court, you comes as an
8 undercover police officer, don't you?

9 A. Yes, sir.

10 Q. And you know what you can say and what you
11 should say. You know that, don't you?

12 A. About what my report says, yes.

13 Q. Do you know what Mr. Roland and the woman was
14 doing in the other room?

15 A. No, sir.

16 Q. How do you know whatever they was in there for
17 had anything to do with drugs?

18 A. It was in plain sight in the residence they
19 were found in.

20 Q. They was on the couch, weren't they?

21 A. Correct.

22 Q. A man and a woman sometimes sit on the couch,
23 don't they?

24 A. Yes, sir.

25 Q. That don't mean because I'm sitting on the

1 couch that I'm in full custody or control of some drugs
2 in another room, does it?

3 A. But if there's links to you at that location,
4 then, yes.

5 Q. Did you-all do a search to determine whether or
6 not you could find other articles and paperwork with his
7 address that dated beyond December of 2009?

8 A. I don't recall, sir.

9 Q. Your interest was as to February and January,
10 wasn't it?

11 A. I just picked up what was there.

12 Q. You saw in certain areas there was a lot of
13 stuff just scattered about, on some of those exhibits.
14 You noticed that?

15 A. Yes, sir.

16 Q. And you noticed there were paperwork there,
17 right?

18 A. Yes, sir.

19 Q. Did you look in that paperwork to determine
20 whether or not there were utility bills in that?

21 A. Yes.

22 Q. And there was none?

23 A. To Mr. William Akins.

24 Q. All of them was on a -- for William Akins, and
25 everything you found for Mr. Roland was on the kitchen

1 counter?

2 A. Yes, sir.

3 Q. Two people are living in a house, and the one
4 that ran has his in bags; and the one who's sitting on
5 the couch has his entire amount of documents on the
6 kitchen counter?

7 A. That's correct.

8 Q. That's what you're telling us?

9 A. Yes, sir.

10 Q. Did you ever ask the woman how long she was --
11 she had been there?

12 MS. SAMPLE: Calls for hearsay, Your
13 Honor.

14 THE COURT: Overruled.

15 A. I never spoke with the female; so, no, sir.

16 Q. (BY MR. CARTER) How did you know she wasn't
17 living there?

18 A. I didn't find no links to her there.

19 Q. There's a first day to every day, isn't it?

20 A. What's that, sir?

21 Q. If you get married, if you get a girlfriend,
22 there's always a first day, isn't it?

23 A. I suppose, yes.

24 Q. So, the only way you can find out, you have to
25 ask, don't you?

1 A. Correct.

2 Q. And since you didn't ask, you don't know, do
3 you?

4 A. I believe Officer Chapman is the one that spoke
5 to everybody outside.

6 Q. And said what? Strike that. Strike that.

7 It was two articles of crack. How far
8 were they to one another?

9 A. Maybe a foot apiece -- apart.

10 Q. That's to say that all the crack was in the
11 kitchen?

12 A. Correct, on the counter by the sink.

13 Q. There was an area where Mr. Roland was sitting.
14 There were no crack found where he was, was there?

15 A. No, sir.

16 Q. You made mention about crack being sold at
17 10-dollar quantities. Remember that?

18 A. Yes, sir.

19 Q. And you said that if a person have a larger
20 quantity, they probably are a drug dealer, right?

21 A. Yes, sir.

22 Q. That's assuming that the person that's
23 purchasing the crack is poor, isn't it?

24 A. Not necessarily.

25 Q. Well, if I got enough money to buy crack, I

1 don't have to purchase \$10 of crack, do I?

2 A. Maybe you just want a rock or two rocks.

3 Q. Did you understand my question?

4 A. No, I didn't understand your question.

5 Q. You under the -- you telling the jury that you
6 under the assumption that everybody only have \$10. If I
7 have a thousand dollars and I want some crack, I can buy
8 a thousand dollars' worth of crack, right?

9 A. Yes, sir.

10 Q. And that does not mean, just merely because I
11 have enough money to buy, I'm a drug dealer, does it?

12 A. No, sir.

13 Q. But you gave the impression that because you
14 got a certain amount, you a drug dealer; and that's not
15 true, is it?

16 A. It's not, but when you have the beakers and the
17 baking soda and the whisk --

18 Q. We not talking about the beakers. We are
19 talking about the \$10 that you told us -- you telling us
20 that everybody that buy crack, they got 10 or \$20?

21 A. No, sir. I never said that.

22 Q. And you said that if it's a quantity larger
23 than that, they probably poor and can't go no further.
24 That's what you said, isn't it?

25 A. If the quantity is larger, they're poor? I

1 don't think I ever said that.

2 Q. I'm saying, people buy crack according to their
3 pocketbook, right?

4 A. Whatever money they have, yes.

5 Q. Okay. And if they have a lot more than what
6 you think they ought to have, it does not mean that
7 they're a dealer, does it?

8 A. Usually, from my experience and my training --

9 Q. We ain't talking about your experience. We are
10 talking about if a person have enough money to buy crack
11 and have more than the \$10, that in and of itself does
12 not make him a crack dealer, does it?

13 A. No, it doesn't.

14 Q. You said when you walked in, there's an area
15 where crack was being made.

16 A. Yes.

17 Q. And Mr. Atkinson [sic] ran from the area where
18 the crack was being made?

19 A. He was in the middle, running; so, I can't say
20 that he was running from the living room or he was
21 running from the kitchen.

22 Q. Well --

23 A. We never seen him running away from the crack.
24 No, we -- well, I never -- I never said that.

25 Q. You saying -- you told this jury that he was

1 making the crack.

2 A. I never said that, sir.

3 Q. You said it was in that bowl and it had some
4 water in it? You remember that?

5 A. I said there was crack being made, but I never
6 said --

7 Q. Being made. And you realize if Mr. Akinson --
8 Mr. Akins is in one room making crack, then how does a
9 person in another room have care and custody and control
10 of what I'm making right now in another room?

11 A. I never said Mr. Akins was making crack.

12 Q. You said there was water in a bowl.

13 A. Correct?

14 Q. Remember that?

15 A. Yes, sir.

16 Q. And you said as if a person was making it.

17 A. Correct.

18 Q. You remember that?

19 A. A person, yes, sir.

20 Q. Then, my question, then, is: If I'm in one
21 room making it right then and another person is in
22 another room, how is that person in care, custody, or
23 control of somebody in another room, making it right
24 then?

25 A. I never said nobody was making -- I never said

1 Mr. Roland or Mr. Akins was making crack. I just said we
2 found a crack cookie or a pancake inside of a bowl with
3 water in it.

4 Q. Uh-huh.

5 A. So, I can't say that I seen Mr. Akins mixing it
6 up or creating it. Once we came in, he ran. I never
7 said that. I just said we caught Mr. Akins fleeing,
8 towards in the middle. That's where we seen him at. So,
9 I can't sit here and say that Mr. Akins was cooking it
10 because I didn't see Mr. Akins cooking it, or Mr. Roland.

11 Q. You said that when you walked in -- and they
12 showed you some pictures -- and you said if you go to the
13 right, that's the kitchen. You remember that?

14 A. Yes.

15 Q. And if you go to the left, that's the living
16 room where Mr. Roland was. You remember that?

17 A. When you come in through the back door, the
18 first room you come into is the kitchen.

19 Q. Uh-huh.

20 A. Then it's the living room on the other side. I
21 never said the living room was on the left-hand side of
22 the kitchen. The crack was on the right-hand side
23 against the kitchen counter --

24 Q. Uh-huh.

25 A. -- and the weed was on this side, on the left

1 side, right across from the crack.

2 Q. Uh-huh.

3 A. And then when you go through the little hallway
4 where Mr. Akins was at, Mr. Roland was sitting down with
5 the female on the couch.

6 Q. Was Mr. Akins running from the area where the
7 crack was?

8 A. I can't say that, sir, because --

9 Q. Well, which way was he running?

10 A. He was running to the bedrooms in between the
11 kitchen and the living room.

12 Q. Did you see him when he first started running?

13 A. No, sir.

14 Q. Where was he?

15 A. Once we came in through the door, Mr. Akins was
16 told to get on the ground, as he was right in between the
17 kitchen and the living room.

18 Q. How close was he from the kitchen?

19 A. He was closer than Mr. Roland to the kitchen,
20 maybe between 7 and 10 feet from the kitchen.

21 Q. When y'all came in, did you come in through the
22 kitchen?

23 A. Correct, back door.

24 Q. When you came in, did you see Mr. Akins?

25 A. Correct.

1 Q. How did you see him?

2 A. Seen his back as he was trying to -- looked
3 like he was going in the restroom or either --

4 Q. Was he coming out of the kitchen?

5 A. I'm unable to say that, sir, because the
6 kitchen and the living room share that hallway.

7 Q. When you walked in, you said there were liquid
8 in a bowl. That is to suggest that the liquid had not
9 dried; is that true?

10 A. Yes, sir.

11 Q. And had it been there a long time, it probably
12 would have hardened, wouldn't it?

13 A. Yes, sir.

14 Q. But that was not the case, right?

15 A. Correct, for the one in the bowl.

16 Q. Did you participate in the writing of this
17 offense report?

18 A. Yes, sir.

19 Q. And what pages did you participate in?

20 A. Everything that has my name, because I believe
21 there's supplements in there.

22 Q. Do you have a copy of the offense report with
23 you?

24 A. Yes, sir.

25 Q. You see on page 6, first paragraph, 2.006, in

1 that first paragraph -- did you read that part?

2 A. Yes, sir.

3 Q. Doesn't that part suggest that Mr. Akins was
4 running from the kitchen area?

5 A. Yes, sir.

6 Q. That's a little different from what you just
7 told, isn't it?

8 A. Yes, sir.

9 Q. But you tell us that when you come down here,
10 you don't use your undercover deception outside the
11 streets, right?

12 A. Yes, sir.

13 Q. You know they was in there, don't you?

14 A. Yes, sir.

15 Q. Well, why did you deny it?

16 A. I never -- I just said that he was running from
17 that area.

18 Q. It says from the kitchen, didn't it?

19 A. Correct.

20 Q. And you try to make like you didn't know where
21 he was. What was the point of that?

22 MS. SAMPLE: Objection to argumentative,
23 Your Honor.

24 THE COURT: Sustain the objection.

25 Q. (BY MR. CARTER) Did you say he was running

1 from the kitchen -- was not running from the kitchen?

2 A. Correct.

3 Q. That's not true, is it?

4 A. No, sir.

5 MR. CARTER: Your Honor, we want to
6 approach on Exhibit No. 32.

7 THE COURT: All right, sir.

8 Q. (BY MR. CARTER) You see that last black thing
9 on that list?

10 A. The scale or the --

11 Q. Yes.

12 A. Yes.

13 Q. It goes -- it's for a 12-month period.

14 A. Yes, sir.

15 Q. From February to February.

16 A. Yes, sir.

17 Q. Those black marks suggest that somebody was
18 using that water.

19 A. Correct.

20 Q. And that water bill was in Mr. Roland's name?

21 A. Yes, sir.

22 Q. And Mr. Roland was in jail during that period
23 of time. My question, then, to you-all: Since water
24 usage took place and somebody was billed and it was
25 billed in his name, how come you-all didn't find none of

1 the other bills?

2 A. I never knew that Mr. Roland was locked up,
3 incarcerated.

4 Q. You do see that chart there, don't you?

5 A. Yes, sir.

6 Q. And you will agree with me that that bill is in
7 Mr. Roland's name, right?

8 A. Yes, sir.

9 Q. And it does suggest that water usage was used
10 and he was billed for it, right?

11 A. Yes, sir.

12 Q. But the only bills you found was the one on the
13 kitchen counter?

14 A. Yes, sir.

15 Q. Well, how do you explain that part of the bill?

16 MS. SAMPLE: Objection to asked and
17 answered and relevance as to this question.

18 THE COURT: Overrule the objection.

19 Q. (BY MR. CARTER) Explain to us -- that's a
20 water cutoff bill there, isn't it?

21 A. I'm not too familiar with the water bills.

22 Q. Well, look at it.

23 MR. SIMMONS: Permission to approach, Your
24 Honor?

25 THE COURT: You may.

1 Q. (BY MR. CARTER) Is it?

2 A. Yes.

3 Q. That means they going to cut his water off.

4 A. Correct. It's a delinquent water bill.

5 Q. Which means that -- do you live in the city?

6 MS. SAMPLE: Objection to relevance, Your
7 Honor.

8 MR. CARTER: Your Honor, give me a little
9 latitude here.

10 THE COURT: All right. Go ahead,
11 Mr. Carter.

12 Q. (BY MR. CARTER) Do you get a water bill?

13 A. Yes.

14 Q. Would they cut your water off if you just one
15 month behind?

16 A. I can't tell you. I pay mine on time. I don't
17 know.

18 Q. Okay. So, you don't know?

19 A. No, sir.

20 Q. The fact that the water bill is going to be cut
21 off suggests that there's some problems beyond the prior
22 month, doesn't it?

23 A. I suppose, sir, yes.

24 Q. Which means that there ought to be some other
25 bills, doesn't it?

1 MS. SAMPLE: Objection to asked and
2 answered, Your Honor.

3 THE COURT: Overruled.

4 Q. (BY MR. CARTER) If they have a delinquent
5 notice, then there has to be a prior bill to put you on
6 notice that you're behind. That would be reasonable.

7 A. Yes, sir.

8 Q. But y'all couldn't find that?

9 A. I couldn't find that, no, sir.

10 Q. Okay. There was no alarm found out there?

11 A. No, sir.

12 Q. If you wanted to find out if a person had been
13 locked up and you have their name and date of birth, how
14 long would it take to find out that information?

15 A. When I got back to the station, in front of a
16 computer.

17 Q. How long?

18 A. An hour, maybe.

19 Q. One hour. And when did this occur?

20 A. Around 10:00 o'clock.

21 Q. Y'all wasn't in no hurry out there, were you?

22 A. No, sir.

23 Q. When you start gathering this information and
24 you start talking about stuff like what you were saying,
25 affirmative links, did you-all start thinking about

1 whether or not he actually was linked to this drug?

2 A. Yes.

3 Q. You-all made up your mind?

4 A. Yes, sir.

5 Q. You didn't actually know who the drugs were
6 linked to before you got there, did you?

7 A. No, sir.

8 Q. So, once you got there, you made up your mind?

9 A. With the evidence that we had, yes.

10 Q. So, you -- everything you did was to prove
11 yourself right.

12 A. Yes, sir.

13 Q. You didn't never look at another alternative.
14 Perhaps you could have been wrong. You never thought
15 about that?

16 A. We had enough evidence to have a case, and we
17 went forward with it.

18 Q. So, you've never been wrong, in your
19 estimation?

20 MS. SAMPLE: Objection to relevance and
21 argumentative, Your Honor.

22 THE COURT: Sustain the objection.

23 Q. (BY MR. CARTER) You've never been wrong in
24 your investigation?

25 MS. SAMPLE: Objection to relevance and

1 argumentative, Your Honor.

2 THE COURT: Overrule the objection.

3 Q. (BY MR. CARTER) During your investigations,
4 you've never made a mistake?

5 A. I'm human, sir; so, yes.

6 Q. Well, how do you know you made a mistake until
7 after the fact? That's when you find out, right?

8 A. I suppose so, yes.

9 Q. Well, what about the times you didn't discover
10 it?

11 A. Discover what?

12 Q. Well, sometimes you make a mistake and you
13 discover it, correct?

14 A. Correct.

15 Q. Well, what about the times that you don't?

16 MS. SAMPLE: Objection to speculation and
17 relevance, Your Honor.

18 THE COURT: Overrule the objection.

19 Q. (BY MR. CARTER) You will admit that you make
20 mistakes?

21 A. I'm human, yes.

22 Q. But you don't know about -- strike that.

23 Where did you-all find the keys, exactly?

24 MS. SAMPLE: Objection to asked and
25 answered.

1 MR. CARTER: Not "exactly."

2 THE COURT: Overruled.

3 Q. (BY MR. CARTER) Where did you find them,
4 exactly?

5 A. I believe -- I don't know if Mr. Akins had them
6 on him, because I didn't talk to him or anything; but I
7 know Mr. Roland didn't have them on him. I know that.

8 Q. Y'all didn't find no more keys?

9 A. Not that I recall.

10 Q. Now, you said that on rare occasions you've
11 seen a bar at the front door, as you have seen it here,
12 right?

13 A. Correct, but this was the back door.

14 Q. What?

15 A. This is the rear door of the residence.

16 Q. Where that bar was?

17 A. Correct.

18 Q. And y'all went to the area where that bar was?

19 A. Yes, sir.

20 Q. But what you said was --

21 A. Which -- you mean the burglar bars or the
22 wooden piece?

23 Q. The wood piece.

24 A. Okay. The wooden piece, that's at the front
25 door.

1 Q. Okay. But this is a rarity, right?

2 A. Yes, sir.

3 Q. That is put there so a person can be slowed
4 down in getting in, right?

5 A. Yes, sir.

6 Q. Now, extra precaution has been taken here to
7 prevent somebody from getting into the house, right?

8 A. Yes, sir.

9 Q. And you-all maintained that this gentleman over
10 here is participating -- after taking extra precaution
11 and watching on TV and that no point in time did he ever
12 holler out and warn the other individual, did he?

13 A. Not that I remember or recall him doing, no,
14 sir.

15 Q. Is there a chance that he didn't know what the
16 other person was doing?

17 MS. SAMPLE: Objection, calls for
18 speculation.

19 THE COURT: Sustained.

20 MR. CARTER: Your Honor, I say, Is there a
21 chance. That's not speculative.

22 MS. SAMPLE: Your Honor, we do believe
23 that that is exactly --

24 Q. (BY MR. CARTER) He could have not known what
25 the other person was doing? Is that a possibility?

1 MS. SAMPLE: Calls for speculation, Your
2 Honor.

3 THE COURT: Sustained.

4 Q. (BY MR. CARTER) And in any event, you didn't
5 hear nobody holler out, The police is here, did you?

6 A. No, sir.

7 Q. You didn't hear nobody scream anything, did
8 you? In fact, you didn't hear nobody say nothing, did
9 you?

10 A. Not that I can recall, no, sir.

11 Q. While they was watching on the monitor; is that
12 correct?

13 A. That's correct.

14 MR. CARTER: Pass the witness.

15 THE COURT: All right. Ladies and
16 gentlemen of the jury, at this point, it's 5:20 or
17 thereabouts. This would be a good time to stop for the
18 day. I'm going to remind you of the instructions that I
19 gave you yesterday. You still have your written
20 instructions? And you know not to communicate with
21 anyone about the case. I'm sure you've been asked --
22 some of you have been asked; and you must continue to
23 follow the instructions and not speak to anyone about the
24 case nor among yourselves until you are back in the jury
25 deliberation room and the case is submitted to you.